SUPREME COURT OF THE UNITED STATES.

No. 223.

THE UNITED STATES, APP'TS,

vs.

MARIA JUANA DE LOS ANGELES.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

"Cuca."

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MARIA JUANA DE LOS ANGELES, claimant, *vs.* THE UNITED STATES. } For the placed named "Cuca."

2

3 OFFICE OF THE BOARD OF COMMISSIONERS TO ASCERTAIN AND SETTLE THE PRIVATE LAND CLAIMS IN THE STATE OF CALIFORNIA.

Be it remembered that on this ninth day of November, anno Domini one thousand eight hundred and fifty-two, before the commissioners to ascertain and settle the private land claims in the State of California, sitting as a board, in the city of San Francisco, in the State aforesaid, in the United States of America, the following proceedings were had, to wit:

The petition of Maria Juana de los Angeles, for the place named "Cuca," was presented, and ordered to be filed and docketed with No. 471, and is as follows, to wit: (*Vide* page 3 of this transcript.)

Upon which petition the following subsequent proceedings were had, in their chronological order, to wit:

LOS ANGELES, *November* 13, 1852.

In case No. 471, Maria Juana de los Angeles, for the place named "Cuca," the deposition of Abel Stearns, a witness in behalf of the claimant, taken before Commissioner Hiland Hall, was filed.—(*Vide* page 5 of this transcript.)

SAN FRANCISCO, *January* 15, 1853.

In the same case, the deposition of Andres Pico, a witness in behalf of the claimant, taken before Commissioner Hiland Hall, was filed.—(*Vide* page 6 of this transcript.)

SAN FRANCISCO, *October* 3, 1853.

4 Case No. 471, on motion of the counsel for the claimant, was ordered to the foot of the docket.

SAN FRANCISCO, *December* 16, 1853.

In the same case, the deposition of J. J. Warner, a witness in behalf of the claimant, taken before Commissioner Alpheus Felch, with document marked No. 1, A. F., annexed thereto, was filed.—(*Vide* page 7 of this transcript.)

SAN FRANCISCO, *July* 10, 1854.

In the same case, the deposition of José Joaquin Ortega, a witness in behalf of the claimant, taken before Commissioner G. T. Burrell, was filed.—(*Vide* page 10 of this transcript.)

SAN FRANCISCO, *Sept.* 5, 1854.

In the same case, the deposition of J. J. Warner, a witness in behalf of the claimant, taken before Commissioner Peter Lott, with exhibit marked "A, P. L." annexed thereto, was filed.—(*Vide* page 13 of this transcript.)

SAN FRANCISCO, *Sept.* 12, 1854.

In the same case, the counsel for the claimant filed the following motion, to wit: (*vide* page 29 of this transcript.)

Motion granted.

SAN FRANCISCO, *Oct.* 3, 1854.

Case No. 471 was submitted on briefs and taken under advisement by the board.

5 SAN FRANCISCO, *Oct.* 10, 1854.

In the same case, Commissioner R. Aug. Thompson delivered the opinion of the board confirming the claim.—(*Vide* page 31 of this transcript.) And the following order was made, to wit: (*vide* page 34 of this transcript.)

6

7 *Petition.*

To the hon. board of land commissioners for ascertaining and settling private land claims in the State of California:

Your petitioner, Maria Juana de los Angeles, a native Indian and resident of San Luis Rey, county of San Diego and State of California, respectfully represents to your honorable board that she claims a tract of land called "Cuca," or El Portrero, situated in San Luis Rey, county of San Diego and State of California, containing about one-half of a square league. That she claims the same in fee by virtue of a grant made to her, under the authority of the Mexican government, by Pio Pico, governor of the department of the California, of date 7th of May, A. D. 1845, since which time she has been in undisturbed and peaceable possession, without knowledge of any interfering claimant.

Your petitioner would further represent that possession was given by the administrator of the mission of San Luis Rey, in compliance with the first condition of the grant, on the 1st of June, A. D. 1845.

Your petitioner presents herewith the original grant, with possession annexed thereto, together with their translations, and will proceed to make such further proof as may be required by the board.

Your petitioner prays your honorable board to take into consideration her claim to the said tract of land, and to declare her title to be valid, and confirm the same.

And your petitioner will ever pray.

Made this 9th day of November, at the city of Los Angeles.

8 HENRY HANCOCK,
Att'y for Claimant.

Filed in office Nov. 9, 1852.

(Signed) GEO. FISHER, *Sec'y.*

9 *Deposition of Abel Stearns.*

LOS ANGELES, *Nov. 13th*, 1852.

On this day, before Com'r Hiland Hall, came Abel Stearns, a witness in behalf of the claimant, Maria Juana, (petition No. 471,) and was duly sworn, his evidence being given in English.

The U. S. associate law agent was present.

In answer to inquiries by counsel for the claimant, the witness testified as follows:

My name is Abel Stearns; my age is fifty-four years, and I reside in Los Angeles.

A paper is shown me, purporting to be a grant to Ma. Juana, dated May 7, 1845. The signatures of Pio Pico, Juan Bandini, and José Joaquin Ortega, on said paper, with which I am acquainted, I believe to be genuine. Ortega was administrator of the mission of San Luis Rey at the date of the certificate to which his signature is attached. Said paper is hereto annexed and marked H. H. No. 1.

(Signed) ABEL STEARNS.

Sworn and subscribed before me.

(Signed) HILAND HALL, *Com'r.*

Filed in office Nov. 13, 1852.

GEO. FISHER, *Sec'y.*

10 *Deposition of Andres Pico.*

SAN FRANCISCO, *Janu* 1853.

On this day, before Com'r Hiland Hall, came Andres Pico, a witness in behalf of the claimant, Maria Juana, (petition No. 471,) and was duly sworn, his evidence being interpreted by the secretary.

The U. S. associate law agent was present.

In answer to inquiries by counsel for the claimant, the witness testified as follows:

My name is Andres Pico; my age is forty-two years, and I reside at Los Angeles.

I know the rancho called "Cuca," at the mission of San Luis Rey. I have known it from the year 1832. From the year 1845 the land has been occupied by some neophytes of the mission. Maria Juana de los Angeles was a neophyte, and she occupied it previous to 1845, and since to the present time, separate from the mission. Her husband was a chief of the Indians; his name was Casiano, as I think, and he has been living on the same land since 1845, and has jointly occupied it with her. They built an adobe house on the land within a year from June, 1845. They had a small stock of cattle on the land. They cultivated small portions of the land, according to their means.

(Signed) ANDRES PICO.

Sworn and subscribed before me.

(Signed) HILAND HALL, *Commissioner.*

Filed in office January 15, 1853.

(Signed) GEO. FISHER, *Sec'y.*

11 *Deposition of J. J. Warner.*

OFFICE OF THE BOARD OF U. S. LAND COMM'RS, &C.,
San Francisco, Dec. 16th, 1853.

This day, before Commissioner Alpheus Felch, came J. J. Warner, a witness on behalf of claimant, Maria Juana, (petition No. 471,) and being sworn, deposed as follows:

Questions by Mr. Hancock, attorney for claimant.

1st question. What are your name, age, and place of residence?

Answer. My name is J. J. Warner; my age is forty-six years, and I reside at San Diego, in California.

2d question. How long have you resided in California.

Answer. Twenty-years.

3d question. Do you know the place called Portrero of the mission of San Luis Rey, or "Cuca;" if so, how long have you known it?

Answer. I know the place, and have known it since 1831, and have been pretty intimately acquainted with it about twelve years.

4th question. What is its location, boundaries, and quantity of land?

Answer. It is located on the San Luis Rey river, about forty miles from the mission, and directly east and above the rancho of Pauma. It is bounded on the south by said river; on the north by a high ridge of mountains called Paloma, sometimes Pala, and sometimes Pauma; on the west it is bounded by a spur running out of this mountain down close to the river, and on the east by another spur of the
12 same mountain, which separates it from a place called La Joya. It is almost entirely enclosed by the mountain and spurs referred to, as well as a high mountain on the opposite or south side of the river, and contains about one square league of land, some portion of which is covered with spurs of the mountain. The little sketch which I here present, and which is marked "Exhibit No. 1," with the initials A. F., and annexed to this deposition, was made by me, and it is as correct a representation of the place as I can make. I have had long acquaintance with the place, and am familiar with the localities.

5th question. By what name have you known the place?

Answer. By that of Portrero of the mission of San Luis Rey. I believe that the Indian name is "Cuca."

6th question. By whom is it occupied?

Answer. The last time I was there, and for some three years previous, it was occupied by an Indian woman, whom I knew by the name of Maria de los Angeles and her family.

7th question. How much arable land is there within the boundaries of the place, as above mentioned by you?

Answer. I should think about half a league.

8th question. Have you known Maria de los Angeles to occupy any other than the arable portion above described?

13 Answer. She has had the arable part under cultivation, and she had a small number of cattle and horse, which I have frequently seen outside of the arable land, but they were generally kept on the arable part. The portion marked on the sketch above men-

tioned as the village, I believe was the part called by the Indian name "Cuca." I never knew any judicial boundaries to it, but only the natural boundaries formed by the mountains.

9th question. What do you estimate the quantity of land to be in that portion on which you say the village is, and believe to be called "Cuca" by the Indians?

Answer. About one-fourth of a square league, perhaps a little more.

10th question. Do you know of any other place called "Cuca" on the mission property of San Luis Rey?

Answer. I do not.

Questions by Mr. Greenhow, associate law agert.

1st question. On what grounds do you give these boundaries as the proper boundaries of the tract claimed in this case?

Answer. From information derived from the Indians resident there, who on one occasion consulted me, in conjunction with the command, respecting the land covered by her grant.

14 (Signed)

J. J. WARNER.

Subscribed and sworn to before me this sixteenth day of November, 1853.

(Signed) ALPHEUS FELCH, *Commissioner.*

Filed in office December 16th, 1853.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of José Joaquin Ortega.

Office of the commissioner, G. Thompson Burrill, at Los Angeles, California.

Before me, G. Thompson Burrill, commissioner, duly qualified for the taking of testimony to be used before the board of commissioners to ascertain and settle the private land claims in the State of California, personally appeared José Joaquin Ortega, a witness in behalf of Juana Ma. de los Angeles, claimant for the land named Rancho Cuca, numbered on the docket of the said board with No. 471, who upon oath declareth and saith as follows:

Questions asked by counsel for claimant:

15 Question No. 1. What is your name, age, and place of residence?

Answer. My name is José Joaquin Ortega; I am fifty-three years of age, and I reside in the county of San Diego.

Question No. 2. Do you know the rancho called "Cuca," of San Diego county? and if so, state what you know in reference to the judicial possession of the same.

Answer. Yes, I know the rancho; I gave possession of the rancho to Juana Ma. de los Angeles; I believe it was in the year 1845, but do not recollect the time exactly, and am not able to tell without seeing the papers. I was administrator of the mission of San Luis Rey, and in charge of the duties of alcalde except in criminal cases.

Question No. 3. State in what mannner you gave possession, and

what acts you performed; what were the bounds of the rancho, and what quantity it embraced.

Answer. I gave possession by measuring the land, and by order of a title which she presented. On the east, up the river near some oak trees and a quantity of large stone placed upon the rocks, this is the first boundary; from there below the house, and about fifty yards from it and passing a little beyond it, put another mound of rock, which was about half a league from the place of beginning; from
16 thence, crossing the river to the foot of the mountain called the Cuca; half a league from thence to the arroyo below, I mean on lower land, and passing it to a rock, said arroyo forming the river of San Luis Rey, which river runs through the land, making this side half a league; from thence to the place of beginning.

Question asked by C. E. Thom, acting law agent:

Question No. 1. In what year and what month was judicial possession of the rancho of Cuca given by you to Juana Ma. de los Angeles? Name all the persons who were present at the giving of juridical possession.

Answer. I do not recollect the month; it was in the year 1844 or 1845. I was then acting alcalde for both of these years, my proper title being administrator. Edward Stokes was present at the time, who knew more about measuring than I did; there were also present a number of persons whose names I do not now recollect; I think that one of those persons was Manuel Machado; both of these persons are dead. I think that Vicente Moraga wrote the document of possession, who was then my secretary, who is also dead; the land was measured by a measurer's compass, and the distances taken by a rope.

(Signed) JOSÉ JOAQ'N ORTEGA.

17 Sworn to and subscribed before me this 29 day of June, A. D. 1854.

(Signed) G. THOMPSON BURRILL,
Commissioner.

I hereby certify that C. E. Thom was present at the time that the foregoing testimony was taken, acting for, on behalf of, and by the authority of J. H. McCune, esq., U. S. law agent.

(Signed) G. THOMPSON BURRILL.

Filed in office July 10th, 1854.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of J. J. Warner.

UNITED STATES OF AMERICA,
State of California, ss:

SAN FRANCISCO, *Sept.* 4, 1854.

This day came before Peter Lott, commissioner for taking testimony to be used before the board of U. S. land commissioners in said State, J. J. Warner, a witness on behalf of the claimant, Maria Juana

de los Angeles, (Indian,) in case No. 471 on the docket of said board; and said witness being sworn, deposed as follows:

The U. S. associate law agent is present.

Questions by Mr. Hancock, esq., for claimant.

18 1st question. What is your name, age, and residence?

Answer. My name is J. J. Warner; my age, 46 years; my residence, San Diego, California.

2d question. Look at the traced copy of the espediente, now shown to you, marked "A, P. L." and filed in this case, and state whether you have examined the original thereof, in the office of the U. S. surveyor general for the State of California; if yea, are you acquainted with the handwriting of the persons whose names appear signed thereto? and if yea, state your means of knowledge, and whether their signatures to said original document, wherever they respectively occur thereto, are genuine.

Answer. I have examined said original espediente in said surveyor general's office, and am acquainted with the handwriting of Pio Pico and Jsoé Joaquin Ortega, having seen them write, and their signatures, wherever they occur to said original document, are genuine.

Cross-examined by U. S. law agent.

1st question. At whose instance did you examine said document in said surveyor general's office?

Answer. At the instance of Henry Hancock, esq., who acts as attorney in this case.

(Signed) J. J. WARNER.

19 Subscribed and sworn to before me Sept. 4, 1854.

(Signed) PETER LOTT,
Commissioner.

Filed in office Sept. 5th, 1854.

(Signed) GEO FISHER, *Sec'y.*

20

21 *Trace of expediente from archives,—A, P. L.*

1845.

Espediente promovido por Maria Juana, natural de San Luis Rey, en pretencion del terreno nombrado "Cuca." 449.

22 ANG's, *Abril* 28 *de* 1845

Pase á informe el administrador de la mission de San Luis Rey.

PICO.

Exmo Sor. Gob'or: Maria Juana vinda de Casiano natural de San Luis Rey, ante V. E. con atencion y respeto digo: Que estando poregendo hace algunos años un coste terreñito, lamado Cuca, perteneciente a la micion de mi nacimiento el cual consta de una suerte de tierra de labor y media legua de terreno para mantener escasamte. algunos bien citos de campo y teniendo alguna familia que en mi mison pasan miserias y lu estencion a mis servicios en la micion y los muchas de mi difunto marido à esta misma; imploro la gracia de V. E., para que se me conceda a fin de dedicarlo a mi a provechamiento y el de mi familia, esperando de la

benevolencia a cuadero a ello por ser justicia que pido lo que impetu perando lo no malica y sirviendose admitir el presente en papel comun por no haber del sellado crorespondiente.

MARIA JUANA.

CIUDAD DE LOS ANEGLES, 25 *de Abril de* 1845.

ADMINISTRACION DE SAN LUIS REY,
Angeles, Abril 30 *de* 1845.

Por cuanto à informe que se me pide en la presente solicitud y en consecuencia al supo. decreto que antecede digo, que hace algun tiempo que la suplicanta ocupo con sus bien citos semovientos y labores una parte de "Cuca" sin perjuicio de los demas Yndigena que ahi existen lo que representa es vinda y con bastante familia la que mantiene con su trabajo personal y la de todos ellos y puede ser agraciada con-
23 lo que solicita si V. E. la tuviere abien, es cuanto puedo informar sobre la materia.

JOSÉ JOAQUIN ORTEGA.

ANG'S, *Mayo* 7 *de* 1845.

Se le concede à Maria Juana la propiedad del terreno que porce y al efecte libresе el titulo correspondiente.

PICO.

Queda temada razon de este titulo en el libro respectivo.

OFFICE OF SURVEYOR GENERAL OF THE UNITED STATES FOR CALIFORNIA.

I, John C. Hays, surveyor general of the United States for the State of California, and, as such, having in my office, and in my charge and custody, a portion of the archives of the former Spanish and Mexican territory, or department of Upper California, by virtue of the power vested in me by law, do hereby certify that the four preceding and hereunto annexed pages of tracing paper, numbered from one to four inclusive, exhibit a true and accurate copy of a certain document now on file, and forming part of the said archives, in this office.

In testimony whereof, I have hereunto set my name, officially, and caused my seal of office to be affixed, at the city of San Francisco, this fourteenth day of December, A. D. 1853.

JOHN C. HAYS,
U. S. Surveyor G'l for Cal'a.

Filed in office Sept. 4, 1854.

GEO. FISHER, *Sec'y.*

24

(Here follows map marked original, page 25.)

26 1845.

[Translation of the traced copy of espediente.]

Espediente of Maria Juana, native of mission San Luis Rey, asking the place called "Cuca." 449.

27

28 APRIL 28, 1845.

Pass to the administrator of the mission San Luis Rey.

(Signed) PICO.

EXCELLENT SEÑOR GOVERNOR: Maria Ju ana, widow of Cassiano, native of the mission San Luis Rey, before your excellency, with due respect, says that, having been for some years in possession of a small tract of land

called "Cuca," belonging to the mission of my birth, which contains my garden tract and one-half of a league of land, being scarcely enough for my maintenance and that of my little stock of cattle, (having something of a family who unite with me in my wants;) in attention to my services, any the many of my deceased husband, which have been rendered the mission, I beseech your grace that it be ceded to me, by which myself and family will be favored, hoping that, from a knowledge of the benevolence of your excellency, the justice which I ask may be accorded me, swearing that I do not ask in malice, and requesting that this petition may be received on common paper, for want of sealed.

City of Los Angeles, April 25th, 1845.

(Signed) MARIA JUANA.

ADMINISTRATOR OF THE MISSION OF SAN LUIS REY,
April 30*th*, 1845.

Wherefore, to the information which is asked in the present solicitude, and in consequence of the superior decree which proceeds, I reply: that for some time the petitioner has occupied planting
29 grounds and cattle a part of "Cuca." The petitioner is a widow with a large family, all of whom she maintains with her own personal labor, as well as others who exist there, and who must not be prejudiced in case y. e. thinks best that which she asks may be ceded to her. This is all I can inform on the matter.

(Signed) JOSÉ JOAQ'N ORTEGA.

ANGELES, *May* 7*th*, 1845.

The ownership of the property which Maria Juana possesses is ceded to her, and to this effect let the corresponding title be issued.

(Signed) PICO.

Filed in office September 15th, 1854.

(Signed) GEO. FISHER, *Sec'y.*

30 *Doc. H. H. No.* 1, *annexed to depo. of Abel Stearns, taken before Com'r H. Hall.*

Pio Pico, premier vocal de la exma. asamblea depart'e y gobernador interino del departamiente:

Por cuanto Ma. Juana, Yndigena de la micion de San Luis Rey ha hecho constar que des de años hauteriores, se le consedio y ocupa el parajé llamado Cuca perteneciente á d'ho micion, constante como media legua incluido las tierras de lavor, practicadas previamente las diligencias y averiguaciones necesarios segun lo dispuesto por las leyes, usando de las facultades que me son conferidas a nombre de la nacion Mejicana he venido en asegurarle por los presentes letras la propiedad del terreno mencionado bajo las condiciones siguientes.

1a. La interesada se presentara al administrator de la micion de San Luis Rey para que le de la poscesion del terreno señalado con anterioridad lo hara medir y fijar los linderos respectivos.

2o. La agraciada y sus herederos lo disfrutaran libre y esclusiva-

miente, destinandolo alusoy aprovechamiento que mas le convenga.

En consecuencia tomese razon de este despacho en el libro respectivo y entreguese à la interesada para su resguardo y demas fines.

Cuidad de los Angeles, Mayo 7 de 1845.

PIO PICO.
JUAN BANDINI, *Sec'y.*

Queda tomada razon de esta concesion en el libro respectivo.

BANDINI.

En cumplimiento del antecedente decreto prosedi à haca la medicion del terreno concedido à Maria de los Angeles y familia de con-
31 formidad con lo dispuesto por su espedi'te.

Camadra de San Luis Rey, Junio 7, 1845.

JOSÉ JOAQUIN ORTEGA.

Filed in office Nov. 9th, 1852

GEO. FISHER, *Sec'y.*

32 B.—*Translation of original grant of possession.*

Pio Pico, first vocál of the excellent departmental assembly, and governor *ad interim* of the departments:

Whereas Maria Juana, aborigine of the mission San Luis Rey, has made it appear that from years past the place called "Cuca," belonging to the said mission, containing about a half of a league, including the sowing lands granted to her which she now occupies, the necessary requisites being practiced according to the disposition of the laws, using the faculties that are conferred on me in the name of the Mexican nation, I have come to secure to her by these presents letters, the ownership of the land mentioned under the following conditions:

1st. The interested party shall present herself to the administrator of the mission San Luis Rey, that he may give her possession of the land aforesaid, previously having measured it and fixed the respective lines.

2d. The donee and her heirs shall freely and exclusively enjoy, destining it to the purpose or use they may think proper.

In consequence, let note of this title be taken in the respective book, and it be delivered to the interested party for her security and other ends.

City of Los Angeles, May 7, 1845.

PIO PICO.
JUAN BANDINI, *Sec'y.*

This concession remains noted in the respective book.

JUAN BANDINI.

33 In compliance with the antecedent decree, I proceeded to measure the land ceded to Maria de los Angeles and family, in conformity with the dispositions of his excellency and worship.

San Luis Rey, June 6, 1845.

JOSÉ JOAQ'N ORTEGA.

I, George Fisher, secretary to the U. S. land commissioners, do hereby certify the foregoing to be a true and correct translation.

Office of the secretary of land commission, San Francisco, California, this 6th day of January, A. D. 1854.

GEO. FISHER, *Sec'y.*

CITY OF LOS ANGELES, *May* 7, 1845.

The registracy of this grant has been made in the proper book.

Filed in office November 9, 1852.

GEO. FISHER, *Sec'y.*

34 *Traced copy of translation.—Translation of record of title.*

On the 7th of May, 1845, is delivered to Maria Juana, Indian, of the mission of San Luis Rey, title to the place called "Cuca," belonging to the said mission, about one-half of a league, including the tillage land.

[En y de Mayo, de 1845, se le libro titulo a Juana M'a, Yndigena de la mision de San Luis Rey, del parage llamado Cuca, pertenecente a d'ho mision constante como media legua inclusive en tierras de labor.]

OFFICE OF SURVEYOR GENERAL OF UNITED STATES FOR CALIFORNIA.

I, John C. Hays, surveyor general of the United States for the State of California, and, as such, having in my charge and custody a portion of the archives of the former Spanish and Mexican territory, or department of Upper California, by virtue of the power vested in me by law, do hereby certify that the preceding and hereunto annexed page of tracing paper exhibits a true and accurate copy of a portion of a certain half-bound book purporting to be a registry of titles; said book now being on file and forming part of the said archives in this office.

35 In testimony whereof, I have hereunto signed my name officially, and caused my seal of office

In testimony whereof, I have hereunto signed my name officially, and caused my seal of office to be affixed, at the city of San Francisco, this seventeenth day of December, A. D. 1853.

JOHN C. HAYS,
U. S. Surveyor G'l for Calif'a.

Filed in office December 24, 1853.

GEO. FISHER, *Sec'y.*

36 *Motion to amend petition.*

Case No. 471.

Before the United States land commission for California in session on this —— day of ———, A. D 1854.

Motion is hereby made to amend the petition in this case, so as that it shall read, in reference to quanti y of land claimed, about one-half

of a league square, and an affidavit is herewith filed explaining the reason for it.

(Signed) HENRY HANCOCK,
Att'y for Claimant.

Filed in office Sept. 12, 1854.
(Signed) GEO. FISHER.
Sec'y.

37
38

Opinion.

Case No. 471.

MARIA JUANA DE LOS ANGELES
vs.
THE UNITED STATES.

The petitioner in this case is a native Indian woman, and claims a half a league of land situated in the county of San Diego, and formerly belonging to the mission of San Luis Rey. She has introduced in support of her claim the original grant from governor Pio Pico, dated the seventh of May, 1845, to which is appended a certificate of José Joaquin Ortega, dated the first of June, 1845, setting forth that he had on that day proceeded to measure the land granted to Maria de los Angeles, in conformity with the preceding decree. The genuineness of those documents is established by satisfactory testimony. The grant is for the place called Cuca, formerly belonging to the mission of San Luis Rey, containing about half a league.

There is no other description given in the grant or in the certificate of juridical measurements; but the administrator of the mission is required by the grant to give her the possession, and to measure and fix the boundaries. The deposition of José Joaquin Ortega, who is proven to have been at the time administrator of the mission, and acting alcalde, has been taken and filed in the case. He states that in the year 1845 he gave the claimant possession of the land according to the title which she presented, by marking and measuring the boundaries. Those boundaries, according to his description,
39 embrace a tract of land in a square form, each side of which was about half a league in extent.

This would give about a quarter of a square league of land. With the aid of this testimony there will be no difficulty in locating and fixing the boundaries of the land to this extent. The grant recites, and it is also shown by other testimony in the case, that the claimant lived upon and cultivated the land from a period several years anterior to the grant up to the time of filing her petition.

A decree of confirmation will be entered in accordance with the testimony.

Filed in office, Octo 10th, 1854.
(Signed) GEO. FISHER, *Sec'y.*

40 *Decree.*

MARIA JUANA DE LOS ANGELES
vs.
THE UNITED STATES. } Cuca, or El Portrero.

In this case, on hearing the proofs and allegations, it is adjudged by the commission that the claim of the petitioner is valid, and it is therefore decreed that the same be confirmed. The land, of which confirmation is made, is situated in the county of San Diego, on the San Luis Rey river, and about forty-five miles from the mission of the same name, and is known by the name of Cuca, being the same which has been possessed and occupied by the claimant from a period anterior to the year 1845, and is bounded as follows :

Beginning at a point at or near the river of San Luis Rey, near some oak trees and some large stones placed upon the rocks ; from thence down the river to another mound or pile of rocks, about fifty varas beyond the house ; from thence crossing the river to the foot of the mountain called " Cuca," a distance of about half a league ; from thence crossing an arroyo on the low land about half a league to a rock, and from thence to the place of beginning : being half a league of land, more or less, reference for a more particular description to be had to the original grant, and the deposition of J. J. Warner and José Joaquin Ortega, all of which are on file in the case.

(Signed) ALPHEUS FELCH,
(Signed) R. AUG. THOMPSON,
(Signed) S. B. FARWELL,
Commissioners.

41 Filed in office Octo. 10th, 1854.
(Signed) GEO. FISHER, *Sec'y.*

Order.

And it appearing to the satisfaction of this board that the land hereby adjudicated is situated in the southern district of California, it is hereby ordered that two transcripts of the proceedings and of the decision in this case and of the paper and evidence upon which the same are founded, be made out and duly certified by the secretary ; one of which transcripts shall be filed with the clerk of the United States district court for the said southern judicial district of California, and the other be transmitted to the attorney general of the United States.

42 OFFICE OF THE BOARD OF COMMISSIONERS TO ASCERTAIN AND SETTLE THE PRIVATE LAND CLAIMS IN THE STATE OF CALIFORNIA.

I, George Fisher, secretary to the board of commissioners to ascertain and settle the private land claims in the State of California, do hereby certify the foregoing thirty-four pages, numbered from 1 to 34, both inclusive, to contain a true, correct, and full transcript of

the record of the proceedings and of the decision of the said board, of the documentary evidence and of the testimony of the witnesses upon which the same is founded on file in this office, in case No. 471, on the docket of the said board, wherein Maria Juana de los Angeles is the claimant, against the United States, for the place known by the name of Cuca.

In testimony whereof, I hereunto set my hand and affix my private seal, (not having a seal of office.) at San Francisco, California, this twentieth day of June, A. D. 1855, and of the independence of the United States of America the seventy-ninth.

[SEAL.]

GEO. FISHER, *Sec'y.*

Filed July 2d, 1855.

C. E. CARR, *Cl'k,*
By A. H. CLARK, *Dep'ty.*

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Notice of appeal.

OFFICE OF THE ATTORNEY GENERAL OF THE UNITED STATES,
Washington, 7th April, 1855.

MARIA JUANA DE LOS ANGELES
vs.
THE UNITED STATES. } 471.

You will please take notice that in the above case, decided by the commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 27th day of February, 1855, the appeal in the district court of the United States for the southern district of California will be prosecuted by the United States.

C. CUSHING,
Attorney General.

Filed July 2d, 1855.

C. E. CARR, *Cl'k,*
By A. H. CLARK, *Deputy.*

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In the district court of the United States for the southern district of California.

CITY AND COUNTY OF LOS ANGELES,
State of California:

MARIA JUANA DE LOS ANGELES, (Indian,) appellee,
ads.
THE UNITED STATES, appel't. } Docket No. 251.—Transcript No. 471.

To the Hon. Isaac S. K. Ogier, judge:

The petition of Pacificus Ord, a resident of said city, county, and State, attorney of the United States for the southern district of California, who petitions in this behalf for the United States, and being present here in court, in the name and behalf of the United States,

represents as follows: That heretofore, to wit, on or about the 9th day of November, A. D. 1852, Maria Juana de los Angeles presented a petition to the commissioners to ascertain and settle the private land claims in the State of California, when sitting as a board, claiming a tract of land called Cuca, in the county of San Diego, State of California, which said petition is referred to for a description of the land claimed, a copy of which appears in the transcript hereafter referred to. That thereafter, to wit, on or about the 10th day of October, A. D. 1854, the said commissioners confirmed, by final decision, the said claim of said petitioner. That thereafter, to wit, on or about the 2d day of July, A. D. 1855, a duly certified transcript of the proceedings and decision of the said commissioners in said cause, and the papers and evidence on which the said decision was founded, was filed in the office of the clerk of the district court of the United States for the southern district of California, and marked No. 471; reference to which it is prayed may be had and made part of this petition. That on or about the 27th day of February, A. D. 1855, the honorable Caleb Cushing, Attorney General of the United States, received a duly certified duplicate of said transcript of the proceedings and decision of said commissioners in said cause, and the papers and evidence on which said decision was founded. That thereafter, to wit, on or about the 2d day of July, A. D. 1855, the said Attorney General of the United States filed, or caused to be filed, in behalf of the United States, a notice with the clerk of said district court of the United States that the appeal in said cause from the said decision of the said commissioners, in the district court of the United States for the southern district of California, would be prosecuted by the United States. Your petitioner further represents that the land claimed, as aforesaid, is situate in the southern district of California, and within the jurisdiction of this honorable court. Your petitioner further represents and insists that the said claim is invalid, and the said decision of said commissioners is erroneous, and ought to be reversed, revised, and set aside, for many errors and imperfections of law and evidence apparent in said certified transcript of the proceedings and
47 decisions of said commissioners in said cause, filed and appealed from as aforesaid. And your petitioner denies all and singular, each and every allegation in the said petition of said claimant presented as aforesaid to said commissioners. And your petitioner further denies that the said claimant has any valid right or title to said land claimed as aforesaid, or any part thereof.

And no sufficient proof having been made of the allegations in said petition to said commissioners, or in support of the said claim, no decision confirming the same should have been made by said commissioners; but the said claim should have been rejected by them. And the said claimant having no valid right or title derived from the Spanish or Mexican governments to the land claimed as aforesaid, the lawful right and title in and to the said land was acquired by and it now belongs to the United States, by virtue of conquest, and the treaty of peace, friendship, limits and settlement, between the United States and the republic of Mexico, made at the city of Guadalupe Hidalgo, February 2d, A. D. 1848.

Wherefore the said Pacificus Ord, attorney of the United States for the southern district of California, for and in behalf of the United States, by reason of the premises, and in pursuance of the act of Congress entitled "An act to ascertain and settle the private land claims in the State of California," approved March 3d, A. D. 1851, and the laws and statutes in such case made and provided, prays that the said claimant, or his attorney, may be served with a copy of this petition; and that this honorable court will review the said decision of said commissioners, and reverse the same, and decide on the validity of the same, and decree the alleged title to be invalid, with costs and general relief.

P. ORD,
Attorney of the United States for the Southern District of California.

Filed this 24 December, A. D. 1856.

C. SIMS, *Cl'k*,
p. J. H. COLEMAN, *Dep'ty.*

48 *Summons.*

UNITED STATES OF AMERICA,
Southern District of California:

The President of the United States to Maria Juana de Los Angeles, greeting:

Take notice that a petition, a copy of which is herewith served upon you, has been filed against you in the district court of the United States in and for the southern district of California, on the 24th day of December, in the year of our Lord one thousand eight hundred and fifty-six, at the city and county of Los Angeles, in said district, by P. Ord, U. S. district attorney, praying said court to review the decision of the United States commissioners of the 10th day of October, 1854, confirming your claim to the lands called "Cuca" or "El Portrero," county of San Diego, and that you are required to appear at said court, in said city, within ten days after the service hereof, if served on you within the county of Los Angeles, and within twenty days if served on you in the county of San Diego or San Bernardino, and within forty days if served on you in any other county of said State, exclusive of the day of service, and answer said petition, or the petitioner will apply to the court for the relief demanded therein.

In witness whereof, I have hereunto set my hand and affixed the [SEAL.] seal of said court, at the city of Los Angeles, this 24th day of December, A. D. 1856.

C. SIMS, *Cl'k*,
p. J. H. COLEMAN, *Dep'ty.*

49 Received Dec'r 24th, 1856.

EDWARD HUNTER, *U. S. Marshal*,
Pr. M. L. GOODMAN, *Dep'ty*

I served this summons, together with a certified copy of the petition, upon Henry Hancock personally, by delivering to him a true copy of same, at Los Angeles, in the southern district of California, on the 24th day of December, A. D. 1856.

EDWARD HUNTER, *U. S. Marshal*,
p. M. L. GOODMAN, *Dep'ty.*

Filed on return this 24th of December, A. D. 1856.

C. SIMS, *Cl'k*,
p. J. H. COLEMAN, *Dep'y.*

Answer.

60 In the United States district court for the southern district of Cal'a, before honorable Isaac S. K. Ogier, United States dist. judge, December term, 1856.

MARIA JUANA DE LOS ANGELES, appellee, *ads.* THE UNITED STATES, appellant. } Docket No. 251. Trans. No. 471.—"Cuca or El Portrero."

In answer to the petition of Pacificus Ord, U. S. attorney for the southern dist. of Cal'a, filed in this hon. court on this 23d day of Dec., 1856, the claimant, by her attorneys, in the above-entitled cause, admits all that is set forth in the said petition, concerning the proceedings already had, saving and excepting only such portions of the same as there may be therein alleged touching the validity of the said claim, and errors and imperfections of law and evidence, or "that it ought to be reviewed, reversed, and set aside," together with whatever else there may be therein alledged concerning a want of proof, or what should have been done by the said board of land commissioners therein alluded to.

Your respondent further respectfully avers, that her claim to the said land called "Cuca or El Portrero," is a good and valid claim, and was justly and properly confirmed by the said land commissioners. Therefore she prays this honorable court to affirm the decree of the land commission appointed under the act of Congress for as-
61 certaining and settling private land claims in California, approved on the 3d of March, 1851, heretofore rendered by said commission, to wit, on the 10th day of October, 1854, and to decree her said claim to be a good and valid claim; and for such further relief as she may in equity be entitled to.

HENRY HANCOCK,
Att'y for Claimant.

Filed this 24th December, A. D. 1856.

C. SIMS, *Cl'k*,
p. J. H. COLEMAN, *Dept'y.*

Decree.

62 In the district court of the United States for the southern district of California, Decem'r term, 1856.

MARIA JUANA DE LOS ANGELES, appellee, *ads.* UNITED STATES, appellant } No. 251.—Transcript No. 471. "Cuca" or El Potrero.

This cause coming on to be heard at this term of the court, on appeal from the decision of the commissioners to ascertain and settle private land claims in the State of California, under the act of Congress approved on the 3d day of March, 1851, upon the transcript of the proceedings, decision, papers, and evidence upon which said decision was founded; and it appearing that the said transcript was duly filed according to law; and the counsel for the respective parties having been heard, it is ordered, adjudged, and decreed that the said decision of the said commissioners be, and the same is hereby, affirmed.

And it is furtherad judged and decreed that the said claim of the said Maria Juana de los Angeles is a good and valid claim, and the same is hereby confirmed to the extent of that which was included within the limits of the judicial possession, provided the same do not embrace more than one-half a square league, and is described and bounded as follows:

63 The place called "Cuca" or El Portrero, situated in the county of San Diego, on the river San Luis Rey, and occupied by said appellee, beginning at a point at or near the river San Luis Rey, near some oak trees, and some large stones placed upon the rocks; from thence down the river about a half of a league to another mound or pile of rocks, about fifty varas beyond the house; from thence, crossing the river to the foot of the mountain called "Cuca," a distance of about half a league; from thence, crossing the arroyo or the low land, about a half of a league to a rock; and from thence to the place of beginning. Reference for a more particular description to be had to the grant.

ISAAC S. K. OGIER,
U. S. Dist. Judge for the S. Dist., Cal'a.

Filed Dec. 29th, 1856.

C. SIMS, *Cl'k.*

64 *Appeal.*

United States dist. court, south'n dist., Cal'a., December term, A. D. 1856.

FEB'Y 24, A. D. 1857.

MARIA JUANA DE LOS ANGELES, app'ee, *vs.* THE UNITED STATES, appel't. } No. 251.

On motion of P. Ord, U. S. dist. attorney, it is ordered that an appeal be allowed the United States in this case.

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65 *New appeal.*

United States district court, southern district Cal'a, December term, A. D. 1861.

MARIA JUANA DE LOS ANGELES, appellee, *vs.* THE UNITED STATES, app'll't. } No. 251, D. C.—No. 471, L. C.—"Cuca."

DECEMBER 9TH, A. D. 1862.

And now comes J. R. Gitchell, esq., appointed at the request of the court to represent the U. S. herein, (there being no U. S. dist. att'y present,) and moves the court that a new appeal be allowed the U. S. in this case to the Supreme Court of the U. S. from the order and decree of this court heretofore rendered.

66 United States district court, southern district of California.

CLERK'S OFFICE, *Monterey, Cal'a.*

I, John O. Wheeler, clerk of the United States district court for the southern district of California, do hereby certify the foregoing sixty-five pages, numbered from 1 to 65, both inclusive, to contain a full, true, and correct transcript of the record of the proceedings and of the decision of said court, of the documentary evidence, and of the testimony of the witnesses upon which the same is founded, on file in my office, in case No. 251 on the docket of said court, wherein Maria Juana de los Angeles is the claimant against the United States for the place named "Cuca."

In testimony whereof, I hereunto set my hand and affix the seal of said court, at Monterey, Cal'a, this 15th day of April, A. D. 1862. [L. S.]

JOHN O WHEELER,
Cl'k U. S. Dist. Court, South. Dist., Cal'a.

Filed Sept. 20, 1862.